

IN THE SUPERIOR COURT OF NEWTON COUNTY  
STATE OF GEORGIA

RICHARD E. DUNN, DIRECTOR, )  
ENVIRONMENTAL PROTECTION DIVISION, )  
GEORGIA DEPARTMENT OF NATURAL )  
RESOURCES, )  
Plaintiff, )  
v. ) Civil Action File Number:  
BECTON, DICKINSON and COMPANY, )  
Defendant. )

*Linda D. Hays*  
Linda D. Hays, Clerk  
Newton County, Georgia

**DIRECTOR'S MOTION FOR A TEMPORARY RESTRAINING ORDER**

COMES NOW Richard E. Dunn, Director (Director) of the Environmental Protection Division of the Georgia Department of Natural Resources (EPD) and moves this Court for an Order temporarily restraining and enjoining Defendant Becton, Dickinson Company (BD), from operating and conducting any sterilization of medical devices at its facility located at 8195 Industrial Boulevard in Covington, Newton County, Georgia (the Facility) until such time as a hearing on a permanent injunction can be held.

As alleged in the Director's Verified Complaint filed in this matter and in the accompanying Brief in Support, BD has been operating the Facility in violation of the Georgia Air Quality Act, O.C.G.A. §§ 12-9-1 through 12-9-25 (the Act), the Rules for Air Quality Control promulgated thereunder, Ga. Comp. R. & Regs. 391-3-1-.01

through 391-3-1-.15 (the Rules), and Air Quality Permit Number 3841-217-0021-S-04-0 (the Permit) issued to BD by the Director on December 27, 2018. The continued operation of the Facility, without assurance satisfactory to the Director, leaves the public open to unnecessary risk of exposure to ethylene oxide, a known carcinogen, and the potential harm of exposure. This Court has the authority to enjoin these actions pursuant to O.C.G.A. §12-9-12.

Specifically, the Director respectfully requests that this Court enter an order preliminarily restraining and enjoining BD from operating its Facility or conducting any sterilization of medical devices at the Facility until such time as the Court makes a final ruling as to the merits of the Director's claims raised in the Verified Complaint.

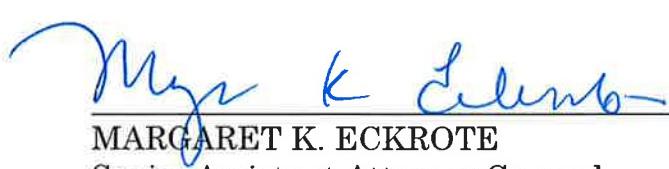
Respectfully submitted this 21<sup>st</sup> day of October, 2019.

CHRISTOPHER M. CARR  
Attorney General

112505

ISAAC BYRD  
Deputy Attorney General

101150

  
MARGARET K. ECKROTE  
Senior Assistant Attorney General

238709

  
ROBIN J. LEIGH  
Senior Assistant Attorney General

445845

***PLEASE SERVE:***

MARGARET KEMMERLY ECKROTE  
Senior Assistant Attorney General  
40 Capitol Square SW  
Atlanta, Georgia 30334-1300  
Telephone: (404) 656-7540